

Appl. No. 10/502409  
Reply to Action dated March 5, 2007  
Page 6

### REMARKS

Applicant respectfully request favorable reconsideration and reexamination of this application.

Claims 1, 3-6, and 10-11 have been amended.

Amendments to claims 1 and 3 are supported by, for example, original claim 2, page 11, line 18 to page 12, line 4 of the Specification, and Figs. 1-4.

Amendment to claim 6 is supported by, for example, original claim 2

Claim 10 is amended editorially. The amendment is supported by, for example, claim 6.

Dependencies of claims 4, 5, and 11 are amended to track with cancellation of claim 2.

Claims 2 and 7 have been canceled, without prejudice or disclaimer.

There is no new matter.

### In the Specification

It appears that the title of the present application is stated as being "Integrally Storable Adaptor." The title of the application was amended to "Kit Holding Adapter" in the Preliminary Amendment filed with the USPTO on July 23, 2004 (see page 2 of the Preliminary Amendment). Applicant respectfully requests confirmation of the revised title in the USPTO records.

### Claim Rejections - 35 USC 102

Claims 1-17 were rejected under 35 USC 102(b) as being anticipated by Eckstein et al. (US 3917456). Applicant does not concede the correctness of the rejection.

Claims 2 and 7 have been canceled. The limitations of claims 2 and 7 have been incorporated into revisions in claim 1. Applicant does not concede the correctness of the rejection to the canceled claims.

Regarding claims 1-5, the rejection states that Eckstein et al. discloses all of the required elements. Applicant respectfully disagrees. Particularly, Applicant does not agree that inside surface of portion 7 of Eckstein et al. discloses a second holding portion capable of holding a sampling tool. Portion 7 of Eckstein et al. is disclosed as one of "container half portions" (column 3, line 23). Eckstein et al. discloses that the half portion 7 is hinged together to the other half portion 6 and that the half portions are substantially identical (column 3, lines 20-31; also see FIGS. 1-2). There is no disclosure, or teaching or suggesting, in Eckstein et al. that

Appl. No. 10/502409  
Reply to Action dated March 5, 2007  
Page 7

portion 7 is capable of holding a sampling tool. Further, as illustrated in FIG. 2 of Eckstein et al., the surface of portion 7 is substantially covered by bag 2. Accordingly, there is not enough room for the surface of portion 7 to hold a sampling tool.

Even if Eckstein et al.'s inside of bag 2 could be considered to be a first holding portion and the inside surface of portion 7 could be considered to be a second holding portion, which Applicant does not concede, Eckstein et al. fails to disclose all of the other required elements of the claims.

Eckstein et al. discloses that the bag 2 is folded such that the indicator tubes are "in a position ready for immediate removal and use" (column 3, line 68 to column 4, line 1). Eckstein et al. further discloses in FIG. 2 that the "indicator tube 1 may be removed from its storage" when being prepared (column 4, lines 37-38). After the indicator tube is prepared, the "indicator tube 1, mouthpiece 3 and bag 2 may be removed and used by directing the person who is to be tested to below [sic] through the mouthpiece 3" (column 4, lines 42-45). Accordingly, Eckstein et al.'s device requires removal of the indicator tube from the bag prior to the use of the indicator by the user.

In contrast, claim 1 requires that the second holding portion include an upper opening for exposing the operation portion of the sampling tool, and a lower opening for exposing the sampling tip of the sampling tool. Due to this structure, the lancing device can perform lancing while being held in the second holding portion of the adapter (page 11, lines 10-12, as amended). Further, the structure is designed to allow the lancing device to be used for lancing when the lancing device is held in the second holding portion (page 11, lines 18-20). Accordingly, the features of the claim allow for the use of the analyzer and the sampling tool together without requiring the sampling to be removed from the kit holding adapter. Eckstein et al. does not disclose nor teach or suggest such features. Accordingly, Eckstein et al. does not anticipate claim 1. Claim 1 is patentable over Eckstein et al.

Further, the inside of bag 2 does not have a side opening communicating with the upper opening, as required in claim 3. Further, the inside of bag 2 and inside surface of portion 7 are not integrally formed as one piece, as required in claim 5. Thus, Eckstein et al. fails to disclose all of the required features of the rejected claims. Accordingly, Eckstein et al. does not anticipate claims 3-5. Eckstein et al. also fails to anticipate claims 6 and 8-17 for at least the

Appl. No. 10/502409  
Reply to Action dated March 5, 2007  
Page 8

same reasons as claim 1 from which they depend. Applicants do not concede the correctness of the rejection as applied to the claims. Claims 3-6 and 8-17 are patentable over Eckstein et al. Applicants respectfully request reexamination and reconsideration of claims 1, 3-6, and 8-17.

Claims 1-3, 6-9, 11, 16, and 17 were rejected under 35 USC 102(b) as being anticipated by Yushiro Chemical Ind. Co., Ltd. (JP 8-233804). Applicant does not concede the correctness of the rejection.

The rejection states Yushiro Chemical Ind. Co., Ltd. discloses all of the required elements of claim 1. Applicant respectfully disagrees.

Even if Yushiro Chemical Ind. Co., Ltd. discloses a second holding portion in reference numeral 1, which Applicant does not concede, the reference numeral 1 shown in Drawing 1 lacks a lower opening for exposing the sampling tip of the sampling tool as required in claim 1. Further, Yushiro Chemical Ind. Co., Ltd. does not disclose nor teach or suggest such feature. Accordingly, Yushiro Chemical Ind. Co., Ltd. does not anticipate claim 1. Claim 1 is patentable over Yushiro Chemical Ind. Co., Ltd.

Claim 2 have been canceled making this rejection moot against it. Applicant does not concede the correctness of the rejection.

Claims 3, 6, 8-9, 11, 16, and 17 are also patentable over Yushiro Chemical Ind. Co., Ltd. for at least the same reasons as claim 1 from which they depend.

Applicants respectfully request reexamination and reconsideration of claims 1, 3, 6, 8-9, 11, 16, and 17.

#### Claim Rejections - 35 USC 103

Claim 15 was rejected under 35 USC 103(a) as being unpatentable over Yushiro Chemical Ind. Co., Ltd. (JP 8-233804). Applicant does not concede the correctness of the rejection. The rejection states that Yushiro Chemical Ind. Co., Ltd. discloses the claimed invention except for the specific material that the spacer is made of. Applicant respectfully disagrees. Claim 15 should be allowable for at least the same reason as claim 1 from which it depends. Applicant respectfully requests a favorable reexamination and reconsideration of the claim.

Appl. No. 10/502409  
Reply to Action dated March 5, 2007  
Page 9

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



Dated: August 23, 2007

Respectfully submitted,

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